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# SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair  
2015 - 2016 Regular

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**Bill No:** AB 2621  
**Author:** Gomez  
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**Urgency:** No  
**Consultant:** Lenin DelCastillo  
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**Fiscal:** No

**Subject:** Employee Codes of Conduct

## SUMMARY

This bill requires a local educational agency (LEA) or an entity providing private school instruction that maintains an employee code of conduct to provide a written copy of that document to the parent or guardian of each enrolled student at the beginning of each school year and also post it on their Web site.

## BACKGROUND

Current law:

- 1) Provides that under the existing Child Abuse and Neglect Reporting Act, all school district teachers and employees are considered to be “mandated reporters,” including instructional aides, teacher assistants, classified employees, and employees of a school district police or security department. Requires mandated reporters report to any law enforcement department knowledge or observations they may have of a child they know or reasonably suspect to have been the subject of child abuse or neglect. The individual report must be made by telephone immediately or as soon as practicable with a written or electronic follow up within 36 hours.
- 2) Specifies that employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed, including training in child abuse and neglect identification and training in child abuse and neglect reporting. School districts that do not train their employees in the duties of mandated reporters are required to report to the California Department of Education (CDE) the reasons why this training is not provided.
- 3) Requires any mandated reporter, with the exception of child visitation monitors, prior to commencing his or her employment, to sign a statement on a form (provided by the employer) to the effect that he or she has knowledge of the mandated reporting procedures and will comply with those provisions. Further, current law provides that the statement shall inform the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations and confidentiality rights. (Penal Code § 11164, et seq.)
- 4) Requires each school district and county office of education to be responsible for the overall development of all comprehensive school safety plans for its schools.

The schoolsite council is required to write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school. (Education Code § 32281)

- 5) Requires the comprehensive school safety plan to include (1) an assessment of the current status of school crime committed on school campuses and at school-related functions and (2) identification of appropriate strategies and programs that will provide or maintain a high level of school safety and detail procedures for complying with existing laws; disaster procedures; policies regarding suspension or expulsion; a discrimination and harassment policy; and, a safe and orderly environment conducive to learning. (EC § 32282)
- 6) Requires the comprehensive school safety plan to be evaluated at least once a year. (EC § 32282)
- 7) Requires the schoolsite council or school safety planning committee to hold a public meeting to allow public comment, and requires the notification of specified people and entities prior to this meeting. Current law requires each school to submit its school safety plan to the school district or county office of education for approval and requires a school district or County Office Education to notify the California Department of Education (CDE) by October 15 of every year of any school that is not in compliance. (EC § 32288)
- 8) Requires each school to include a description of key elements of the school safety plan in the annual school accountability report card. (EC § 32286)
- 9) Current law requires, if the Superintendent of Public Instruction determines that there has been a willful failure to make any report required in school safety plan statutes to do both of the following:
  - a) Notify the school district or county office of education in which the willful failure has occurred.
  - b) Make an assessment of up to \$2,000 against that school or county office, which may be done by deducting funding from the district's or county office's future apportionment. (EC § 32287)
- 10) Requires the State Office of Child Abuse Prevention to develop and disseminate information to all school districts and district school personnel regarding the detection of child abuse. The information may be disseminated by the use of literature, as deemed suitable by the CDE. Staff development seminars and any other appropriate means of instructing school personnel in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect shall be developed by the CDE.
- 11) Encourages local educational agencies to participate in training on the prevention of abuse, including sexual abuse, of children on school grounds, by personnel, or

in school-sponsored programs, and are also encouraged to provide all school employees with that training at least once every three years.  
(Education Code § 44691)

## ANALYSIS

This bill:

- 1) Requires a local educational agency (LEA), or a person, firm, association, partnership, or corporation offering or conducting private school instruction at the elementary or high school level, that maintains an employee code of conduct with pupils, to provide a written copy of that document to the parent or guardian of each enrolled pupil at the beginning of each school year.
- 2) Requires the LEA or entity offering or conducting private school instruction to post the employee code of conduct on each of its school's Web sites or, if a school within the LEA does not have its own Web site, to post it on the LEA's Web site in a manner that is accessible to the public without a password.
- 3) Provides that an LEA may satisfy the requirement to provide a written copy to the parent or guardian by including the document in the existing parental notification required pursuant to Education Code § 48980.
- 4) Defines an LEA as a school district, county office of education, or charter school.
- 5) Specifies that the bill's provisions shall not be construed to require an LEA, a school, or a private school to create a Web site if it does not have one.
- 6) Provides that the bill's provisions do not apply to a private school composed of parents or legal guardians working exclusively with their own children.

## STAFF COMMENTS

- 1) ***Need for the bill.*** The author's office indicates that "parents and students are not always aware of the many codes of conduct that apply to teachers. Schools across California have different forms of the code of conduct with students. School employees may be engaging in seemingly ordinary events with students that the parent is aware of and it could be violating the code of conduct. Events like meeting off campus for coffee to discuss a term paper, being friends on social media, or even providing a pupil a ride home from school can appear innocent, but could easily provide a venue for traumatic incidents such as sexual assault."
- 2) ***Purpose of the documents.*** According to information provided by the author's office, this bill is intended to address an incident that occurred at a private school in which a teacher "had a series of incidents where he was slowly going beyond an understood but undocumented code of conduct with students. The teacher gradually escalated his inappropriate conduct and in a few circumstances would engage in a sexual relationship with his students." The author's office indicates that requiring schools to distribute their codes of conduct, if they have one, may

help reduce the incidents of inappropriate behavior and thereby protect students and other teachers or school employees.

- 3) ***Existing training.*** While it is unclear how wide spread the availability of child abuse prevention materials may be, there are some online training programs currently available. These training materials focus on training teachers on what types of behavior may cross the line in terms of appropriateness and provide examples of behavior that could protect the teacher from false child abuse claims. Examples include not sending personal emails and texts to students, not giving students rides in cars, and not being alone in a classroom with a student without the door open. Schools may already incorporate any of this child abuse prevention training into existing mandated reporter training activities.

- 4) ***Previous legislation.***

AB 1058 (Baker, Chapter 748, Statutes of 2015) required the California Department of Education (CDE) to establish guidelines and best practices for child abuse prevention and post on its Web site links to existing training resources. Additionally, this bill encourages school districts, county offices of education (COEs) and charter schools to participate in child abuse prevention training and provide all school employees with training in child abuse prevention at least every three years.

AB 1432 (Gatto, Chapter 797, Statutes of 2014) required school districts to annually train employees on their duties regarding the mandated reporting when child abuse and neglect is suspected.

AB 135 (Buchanan) from 2014 would have required LEAs to adopt policies and provide employees with regular reminders of their responsibilities as mandated reporters. This measure failed passage in the Senate Appropriations Committee.

AB 1338 (Buchanan) from 2013 would have required the governing board of a school district and county office of education (COE) and the governing body of a charter school, to adopt a policy on the reporting of child abuse and the responsibilities of mandated reporters in accordance with the Child Abuse and Neglect and Reporting Act (CANRA) and review the mandated reporting requirements with all school personnel within the first six weeks of each school year. This measure failed passage in the Assembly Appropriations Committee.

## **SUPPORT**

None received.

## **OPPOSITION**

None received.

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